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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/314,926	05/20/1999	MUNEHICO OHTA	35.C13527	5815
5514	7590	09/25/2003	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			WALLERSON, MARK E	
		ART UNIT	PAPER NUMBER	
		2626	9	
DATE MAILED: 09/25/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

<b>Application No.</b> <b>09/314,926</b>	<b>Applicant(s)</b>	
	<b>Ohta</b>	
<b>Examiner</b> <b>Mark Wallerson</b>	<b>Art Unit</b> <b>2626</b>	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1)  Responsive to communication(s) filed on Jul 17, 2003.

2a)  This action is FINAL.      2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

4)  Claim(s) 1-8, 11-18, 20-29, and 31-53 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed. 44, 46-53

6)  Claim(s) 1, 2, 4-8, 11, 12, 14-18, 20-23, 25-29, 31, 33, 34, 36, 38, 39, 41, 43, is/are rejected.

7)  Claim(s) 3, 13, 24, 32, 35, 37, 40, 42, and 45 is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

1)  Notice of References Cited (PTO-892)

4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)

5)  Notice of Informal Patent Application (PTO-152)

3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_

6)  Other: \_\_\_\_\_

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### **Part III DETAILED ACTION**

#### *Notice to Applicant(s)*

1. This action is responsive to the following communications: amendment filed on **7/17/2003**.
  
2. This application has been reconsidered. Claims 1-8, 11-18, 20-29, and 31-53 are pending.

#### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
  
4. Claims 1, 2, 11, 12, 22, 23, 31, 36, 41, and 51-53 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There is no disclosure (to the Examiner's satisfaction) for a common printer driver module for providing a common processing for a printer connected to said information processing apparatus irrespective of the type of the connected printer.

If Applicant believes this rejection to be in error, Applicant is requested to provide specific support for this subject matter in the original specification.

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5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1, 2, 11, 12, 22, 23, 31, 36, 41, and 51-53 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear to the Examiner why the image processing apparatus would have a **common** printer driver module for processing image data for plural printers, **AND** individual printer driver modules for processing image data for plural printers.

#### *Claim Rejections - 35 USC § 102*

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 2, 5, 6, 11, 12, 15, 16, 19, 21, 22, 23, 26, 27, 31, 36, 41, 46, 47, 48, 49, and 51-53 are rejected under 35 U.S.C. 102(b) as being anticipated by Sasaki (U. S. 5,228,118).

With respect to claims 1, 11, 21, 22, 36, 41, 49, and 51-53, Sasaki discloses an information processing apparatus (figure 1) comprising a common printer driver module for providing a common processing for a printer connected to the information processing apparatus irrespective of the type of printer (column 7, lines 59-64); a plurality of individual printer driver

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modules (printer drivers) providing a different processing for a printer connected to the information processing apparatus depending on the type of printer (column 9, lines 4-65), and means for switching (which reads on printer driver selecting means) the plural driver modules in accordance with the kind of output apparatus (column 3, lines 1-13), and outputting the information processed by the module to the output apparatus (column 3, lines 1-33).

With respect to claims 2, 12, and 23 Sasaki discloses a common printer driver module for providing a common processing for a printer connected to the information processing apparatus irrespective of the type of printer (column 7, lines 59-64); a plurality of individual printer driver modules (printer drivers) providing a different processing for a printer connected to the information processing apparatus depending on the type of printer (column 9, lines 4-65), and means for switching (which reads on printer driver selecting means) the plural modules in accordance with a kind of output apparatus obtained from the image forming apparatus (column 3, lines 1-13), and outputting the information processed by the module to the output apparatus (column 3, lines 1-33).

With respect to claims 5, 6, 15, 16, 26, and 27 Sasaki discloses the selecting is executed when a driver is installed (column 3, lines 1-33), and the switching is executed when data is outputted (column 3, lines 1-33).

With respect to claim 31, Sasaki discloses memory means (44) for storing a printer driver programs for forming image data and performing processes according to characteristics of a

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printer (column 6, lines 46-65 and column 3, lines 1-33) and executing the printer driver program (column 6, lines 46-61).

With respect to claims 46, 47, and 48, the data is transmitted to the printer (column 3, lines 27-33)

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 4, 7, 8, 14, 17, 18, 20, 25, 28, 29, 32, 34, 38, 39, 43, 44, and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki in view of Yano et al (Yano) (U. S. 5,907,666).

With respect to claims 4, 14, 20, 25, Sasaki differs from claims 4, 10, 14, 20, 25, and 50 in that he does not clearly disclose the module offset transmits the information in accordance with a head of the output apparatus. Yano discloses transmitting offset data to an ink jet printer in accordance with a head of the output device (column 4, lines 28-55), the offset being performed by a printer driver (column 12, lines 42-56). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Sasaki wherein the module offset-transmits the information in accordance with a head of the output apparatus. It would have

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been obvious to one of ordinary skill in the art at the time of the invention to have modified Sasaki by the teaching of Yano in order to improve the efficiency of the printer.

With regard to claims 7, 8, 17, 18, 28, and 29, Sasaki differs from claims 7, 8, 17, 18, 28, and 29 in that he does not clearly disclose the information is quantized and binarized. Yano discloses a printer driver for binary coding and rasterizing print data (column 33, lines 37-47). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Sasaki wherein the information is quantized and binarized. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Sasaki by the teaching of Yano in order to improve the efficiency of the printer.

With respect to claims 32, 38, 43 Sasaki differs from claims 32, 38, and 43 in that he does not clearly disclose the module offset transmits the information in accordance with a head of the output apparatus, in which the head has recording elements with plural colors. Yano discloses transmitting offset data to an ink jet printer in accordance with a head of the output device (column 4, lines 28-55), the offset being performed by a printer driver (column 12, lines 42-56), wherein he head has recording elements with plural colors (column 4, lines 42-55). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Sasaki wherein the module offset-transmits the information in accordance with a head of the output apparatus. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Sasaki by the teaching of Yano in order to improve the efficiency of the printer.

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With regard to claims 34, 39, and 44, Sasaki differs from claims 34, 39, and 44 in that he does not clearly disclose controlling the offset transmission when data for a longitudinal paper is printed. Yano discloses controlling the offset transmission when data for a longitudinal paper is printed (column 33, lines 37-47). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to control the offset transmission when data for a longitudinal paper is printed. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Sasaki by the teaching of Yano in order to improve the efficiency of the printer.

***Allowable Subject Matter***

11. Claims 3, 13, 24, 32, 35, 37, 40, 42, and 45 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

12. Applicant's arguments filed 7/22/2003 have been fully considered but they are not persuasive.

Applicant asserts that nothing has been found in *Sasaki* that would teach or suggest dividing a printer driver into a common printer module for commonly processing a connected

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printer irrespective of the type of connected printer, and a plurality of individual printer driver modules each for differently processing the connected printer depending on the printer type. The Examiner respectfully disagrees.

It is clear that *Sasaki* discloses the latter limitation - a plurality of individual printer driver modules each for differently processing the connected printer depending on the printer type (figures 1, 7, and 8 and column 9, lines 4-65). In addition to the comments in paragraphs 4-6 above, the Examiner believes that Applicant is arguing subject matter not disclosed. However, *Sasaki* discloses using a single (common) printer driver to process image data for plural printers (column 7, lines 44-64).

### ***Conclusion***

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Wallerson whose telephone number is (703) 305-8581.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, DC 20231

or faxed to:

(703) 872-9314 (for formal communications intended for entry)

(for informal or draft communications, such as proposed amendments to be discussed at an interview; please label such communications "PROPOSED" or "DRAFT")

or hand-carried to:

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Sixth Floor (Receptionist)

MARK WALLERSON  
PRIMARY EXAMINER

Mark Wallerson